



Serial No. 10/627,589

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KUSLICH ET AL.	Examiner:	UNKNOWN
Serial No.:	10/627,589	Group Art Unit:	3732
Filed:	JULY 25, 2003	Docket No.:	6683.13USC4
Title:	LAPAROSCOPIC SPINAL STABILIZATION SURGICAL METHOD		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 16, 2004.

By: Judith Tress

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. §1.97(b))

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. §1.98(d), a copy of each document or other information listed on the enclosed Form 1449 is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in parent application, U.S. Serial No. 09/369,614 filed on August 6, 1999.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or

otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

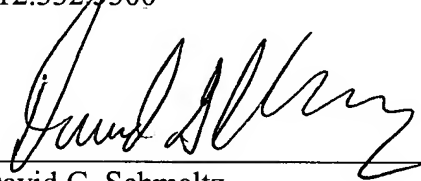
Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P. O. Box 2903  
Minneapolis, Minnesota 55402-0903  
612.332.5300

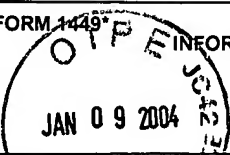
Date

1/6/04

  
David G. Schmaltz  
Reg. No. 39,828  
DGS:PSTjt

**23552**

PATENT TRADEMARK OFFICE

<b>FORM 1449</b>  <b>INFORMATION DISCLOSURE STATEMENT</b> <b>IN AN APPLICATION</b> (Use several sheets if necessary)	Docket Number: 6683.13USC4	Application Number: 10/627,589
	Applicant: Kuslich et al.	
	Filing Date: 07/25/2003	Group Art Unit: 3732

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	669,764	03/1901	Potter				
	3,848,601	11/1974	Ma et al.				
	3,875,595	04/1975	Froning				
	4,349,921	09/1982	Kuntz				
	4,545,374	10/1985	Jacobson				
	4,596,243	06/1986	Bray				
	4,686,972	08/1987	Kurland				
	4,743,256	05/1988	Brantigan				
	4,772,287	09/1988	Ray et al.				
	4,834,757	05/1989	Brantigan				
	4,878,915	11/1989	Brantigan				
	4,904,260	02/1990	Ray et al.				
	4,961,740	10/1990	Ray et al.				
	5,015,247	05/1991	Michelson				
	5,026,373	06/1991	Ray et al.				
	5,484,437	01/1996	Michelson				
	5,489,307	02/1996	Kuslich et al.				
	5,505,732	04/1996	Michelson				
	5,609,636	3/1997	Kohrs et al.				
	5,776,196	07/1998	Matsuzaki et al.				
	5,797,909	08/1998	Michelson				
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	3505567A1	06/1986	Germany				
	3,800,482	07/1989	Germany				
	0260044	03/1988	EP				
	0 307 241 A2	03/1989	EP				

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

<b>FORM 1449</b> <b>INFORMATION DISCLOSURE STATEMENT</b> <b>IN AN APPLICATION</b> (Use several sheets if necessary)				<b>Docket Number:</b> 6683.13USC4		<b>Application Number:</b> 10/627,589	
				<b>Applicant:</b> Kuslich et al.			
				<b>Filing Date:</b> 07/25/2003		<b>Group Art Unit:</b> 3732	
0 077 159 A1		04/1983	EP				
WO 91/06261		05/1991	PCT				
WO 94/28824		12/1994	PCT				
<b>OTHER DOCUMENTS</b> (Including Author, Title, Date, Pertinent Pages, Etc.)							
		Declaration of Douglas Kohrs, filed in parent Application Serial No. 08/752,818, the original was filed in related application Ser. No. 08/015,863.					
		Declaration of George W. Bagby, M.D., 5 pages.					
		Posterior Lumbar Interbody Fusion by Paul Lin (©1982), pp. 14-124					
		Spine: State of the Art Review, Vol. 6, No. 1, January, 1992, pp. 175-200					

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	